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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,299	08/23/2006	Jose Caballero	OT-5361	7182
7590 Lisa A Bongiovi Otis Elevator Company 10 Farm Springs Farmington, CT 06032				
EXAMINER				
CHAN, KAWING				
ART UNIT		PAPER NUMBER		
2837				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/590,299

**Applicant(s)**

CABALLERO ET AL.

**Examiner**

Kawing Chan

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. The Amendments and Applicant Arguments submitted on 07/22/09 have been received and its contents have been carefully considered. The examiner wishes to thank the Applicant for the response to the Examiner's action and for amending the claims in the appropriate manner.

Claims 9-11 are newly added.

Claims 1-11 are pending for examination.

#### ***Claim Objections***

2. The objections to claims 1, 7 and 8 have been removed in response to applicant's amendments.

#### ***Claim Rejections - 35 USC § 101***

3. The rejection to claim 8 has been removed in response to applicant's amendments.

#### ***Response to Arguments***

4. Applicant's arguments filed 07/22/09 have been fully considered but they are not persuasive.

In response to applicant's argument with regard to Sansevero fails to disclose the step of generating a control signal that moves an elevator car to a predetermined

parking position, it is clearly discussed in the previous Office Action that Vialonga also discloses the step of generating a control signal that moves an elevator car to a predetermined parking position. A more detail explanation is given in the rejections below. Therefore, even Sansevero does not disclose that specific limitation, a prima facie case of obviousness is established based on the combination of Sansevero and Vialonga.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansevero (US 6,223,861 B1) in view of Vialonga (US 6,357,553 B1).

In Re claim 1, Sansevero discloses an elevator system comprising:

- A hoistway (Figure 1);
- An elevator car (11) that is moveable vertically within the hoistway (inherently disclosed);
- A plurality of landings opening into said hoistway (Figure 1); and
- A pit (9) located below a lowermost landing (Figure 1); and

Sansevero fails to disclose an engineer interface located at or near the lowermost landing.

However, with reference to Figure 1, Vialonga discloses an elevator system comprising an engineer interface (30) located at lowermost landing (lowermost level) (Col 2 lines 15-17) generating a pit access control signal for moving the elevator car to a predetermined parking position above the lowermost landing responsive to the pit access control signal thereby allowing access to said pit (first mode: bring the car to the desire landing, and second mode: generate signal to move the car up and down depending the needs) (Col 1 line 64 to Col 2 line 37).

Since Vialonga teaches the elevator car is able to move as desired in inspection mode and Sansevero teaches an elevator car is able to stop in a position which leaves a person ample room from the pit floor during inspection mode (Abstract: with the use of bottom inspection speed limit switches 17), it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified Vialonga with the bottom inspection speed limit switches disclosed by Sansevero so as to be able to move the elevator to a position allows mechanic to enter the pit floor.

In Re claims 7 and 8, Sansevero discloses a method of operating an elevator system having a hoistway (Figure 1), an elevator car (11) vertically moveable within the hoistway (inherently disclosed), a plurality of landings opening into the hoistway (Figure 1), and a pit (9) located at the bottom of the hoistway beneath a lowermost landing (Figure 1).

Sansevero fails to disclose the step of generating pit access control signal and the step of automatically moving said car in response to said pit access control signal.

However, with reference to Figure 1, Vialonga discloses a method of operating an elevator system comprising the steps of:

- Generating a pit access control signal (first mode and second mode) using an interface (30) outside the hoistway near the lowermost landing;
- Moving said car in response to said pit access control signal (first mode and second mode)

Since Vialonga teaches the elevator car is able to move as desired in inspection mode and Sansevero teaches an elevator car is able to stop in a position which leaves a person ample room from the pit floor during inspection mode (Abstract: with the use of bottom inspection speed limit switches 17), it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified Vialonga with the bottom inspection speed limit switches disclosed by Sansevero so as to be able to move the elevator to a predetermined position so as to be able to allow mechanic to have ample room to enter into the pit floor. Moreover, the car is stopped once it reaches the bottom inspection speed limit switches 17 (Col 3 lines 17-23 and 59-65), which means the car is stopped when it reaches a predetermined stopping position.

In addition, it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192

In Re claim 4, Vialonga discloses the engineer interface (30) comprises a key switch.

In Re claim 5, with reference to Figure 1, Vialonga discloses the engineer interface is located adjacent an elevator call button (28) at the lowermost landing (Col 2 lines 7-17).

In Re claim 6, Sansevero discloses a logical means (top and bottom inspection speed limit switches 16, 17) for preventing movement of said car when in said parking position (Abstract).

In Re claim 10, Vialonga teaches the elevator car is able to move as desired in inspection mode and Sansevero teaches an elevator car is able to stop in a position which leaves a person ample room from the pit floor during inspection mode (Abstract: with the use of bottom inspection speed limit switches 17), it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified Vialonga with the bottom inspection speed limit switches disclosed by Sansevero so as to be able to move the elevator to a predetermined position so as to be able to allow mechanic to have ample room to enter into the pit floor. In addition, it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192

In Re claim 11, Vialonga discloses the step of moving the elevator car to the lowermost landing prior to the step of automatically moving the car (first mode).

7. Claims 2-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansevero (US 6,223,861 B1) in view of Vialonga (US 6,357,553 B1) as applied to claim 1 above, and further in view of Conchello (WO 02/096791 A1).

In Re claim 2, Sansevero and Vialonga have been discussed above, but they fail to explicitly disclose a locking means for locking the car to a guide rail.

However, with reference to Figures 1 and 3, Conchello discloses a locking means (1-5) for locking the car to a guide rail (6) (Abstract).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Sansevero and Vialonga with the teachings of Conchello, since it is known in the art to utilize a locking means for locking the car to a guide rail so as to be able to protect the mechanic who enters the pit to inspect the elevator car during maintenance.

In Re claim 3, Conchello discloses the locking means are accessible from beneath the car (since pit floor is always beneath the car and part of the locking means 4.2 is disposed in the lower part of the pit; therefore, Conchello inherently discloses the locking means could be accessed from beneath the car) (Abstract).

In Re claim 9, Conchello discloses a manually moveable lock member (3) positioned on an underside of the elevator car (since the bar 3 is engaged with the section 4 located at the lower part of the pit, the bar has to be on the underside of the car) and a locking plate (4) at the predetermined parking position (lower part of the pit), the manually moveable lock member (3) engaging the locking plate responsive to manual movement into a deployed position where the manually moveable locking



member and the locking plate prevent movement of the elevator car out of the predetermined parking position (Abstract).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./  
Examiner, Art Unit 2837

/Walter Benson/  
Supervisory Patent Examiner, Art Unit 2837